



Reprinted
February 26, 2014

ENGROSSED HOUSE BILL No. 1342

DIGEST OF HB 1342 (Updated February 25, 2014 5:03 pm - DI 69)

Citations Affected: IC 6-6; IC 6-8.1; IC 13-11; IC 13-14; IC 13-20; IC 13-22; IC 13-23; IC 13-25; IC 35-51.

Synopsis: Environmental fees and expenses. Provides that the hazardous waste disposal fee (which replaces the hazardous waste disposal tax), the fee on the disposal or incineration of solid waste, and the annual registration fee paid by owners of underground storage tanks shall be collected by the department of environmental management instead of the department of state revenue. Provides that 75% of the revenue from the hazardous waste disposal fee shall be deposited in the hazardous substance response fund and 25% shall be paid over to the county in which the hazardous waste is disposed of. Provides that: (1) 50% of the registration fees paid in connection with underground petroleum storage tanks and deposited in the petroleum trust fund shall be used to pay for corrective actions that involve releases of regulated substances from underground storage tanks that are not eligible to receive funds from the underground petroleum storage tank excess liability trust; and (2) not more than 11% of the funds expended for the
(Continued next page)

Effective: July 1, 2014.

Wolkins

(SENATE SPONSORS — CHARBONNEAU, RANDOLPH)

January 15, 2014, read first time and referred to Committee on Environmental Affairs.
January 23, 2014, reported — Do Pass.
January 29, 2014, read second time, amended, ordered engrossed.
January 30, 2014, engrossed. Read third time, passed. Yeas 90, nays 0.

SENATE ACTION

February 4, 2014, read first time and referred to Committee on Environmental Affairs.
February 18, 2014, reported favorably — Do Pass.
February 25, 2014, read second time, amended, ordered engrossed.

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corrective actions may be used to pay for administrative and personnel expenses incurred in carrying out the corrective actions. Allows the commissioner of the department of environmental management, under certain circumstances, to authorize the modification of a restrictive covenant that the owner of a property contaminated with a hazardous substance has been required to execute and record. Provides for the administrative and personnel expenses incurred by the state in evaluating a proposed modification of a restrictive covenant to be paid from the hazardous substances response trust fund, and requires the environmental rules board to adopt rules providing for the recovery of those expenses by the state. Removes references to the solid waste management board, which was abolished on January 1, 2013.



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February 26, 2014

Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1342

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 6-6-6.6 IS REPEALED [EFFECTIVE JULY 1,
2 2014]. (Hazardous Waste Disposal Tax).
3 SECTION 2. IC 6-8.1-1-1, AS AMENDED BY SEA 24-2014,
4 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2014]: Sec. 1. "Listed taxes" or "taxes" includes only the
6 pari-mutuel taxes (IC 4-31-9-3 through IC 4-31-9-5); the riverboat
7 admissions tax (IC 4-33-12); the riverboat wagering tax (IC 4-33-13);
8 the slot machine wagering tax (IC 4-35-8); the type II gambling game
9 excise tax (IC 4-36-9); the gross income tax (IC 6-2.1) (repealed); the
10 utility receipts and utility services use taxes (IC 6-2.3); the state gross
11 retail and use taxes (IC 6-2.5); the adjusted gross income tax (IC 6-3);
12 the supplemental net income tax (IC 6-3-8) (repealed); the county
13 adjusted gross income tax (IC 6-3.5-1.1); the county option income tax
14 (IC 6-3.5-6); the county economic development income tax
15 (IC 6-3.5-7); the auto rental excise tax (IC 6-6-9); the financial
16 institutions tax (IC 6-5.5); the gasoline tax (IC 6-6-1.1); *the alternative*

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1 ~~fuel permit fee (IC 6-6-2.1)~~; the special fuel tax (IC 6-6-2.5); the motor
 2 carrier fuel tax (IC 6-6-4.1); a motor fuel tax collected under a
 3 reciprocal agreement under IC 6-8.1-3; the motor vehicle excise tax
 4 (IC 6-6-5); ~~the aviation fuel excise tax (IC 6-6-13)~~; the commercial
 5 vehicle excise tax (IC 6-6-5.5); the excise tax imposed on recreational
 6 vehicles and truck campers (IC 6-6-5.1); the hazardous waste disposal
 7 tax (IC 6-6-6.6) **(repealed)**; the cigarette tax (IC 6-7-1); the beer excise
 8 tax (IC 7.1-4-2); the liquor excise tax (IC 7.1-4-3); the wine excise tax
 9 (IC 7.1-4-4); the hard cider excise tax (IC 7.1-4-4.5); the malt excise
 10 tax (IC 7.1-4-5); the petroleum severance tax (IC 6-8-1); the various
 11 innkeeper's taxes (IC 6-9); the various food and beverage taxes
 12 (IC 6-9); the county admissions tax (IC 6-9-13 and IC 6-9-28); the
 13 regional transportation improvement income tax (IC 8-24-17); the oil
 14 inspection fee (IC 16-44-2); the emergency and hazardous chemical
 15 inventory form fee (IC 6-6-10); the penalties assessed for oversize
 16 vehicles (IC 9-20-3 and IC 9-30); the fees and penalties assessed for
 17 overweight vehicles (IC 9-20-4 and IC 9-30); ~~the underground storage
 18 tank fee (IC 13-23)~~; ~~the solid waste management fee (IC 13-20-22)~~;
 19 and any other tax or fee that the department is required to collect or
 20 administer.

21 SECTION 3. IC 6-8.1-4-1.6 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.6. Subject to the
 23 discretion of the commissioner as set forth in section 1 of this chapter,
 24 the commissioner shall establish within the department a special tax
 25 division. The division shall do the following:

- 26 (1) Administer and enforce the following:
 27 (A) Gasoline tax (IC 6-6-1.1).
 28 (B) Special fuel tax (IC 6-6-2.5).
 29 (C) Motor carrier fuel tax (IC 6-6-4.1).
 30 ~~(D) Hazardous waste disposal tax (IC 6-6-6.6).~~
 31 ~~(E) (D) Cigarette tax (IC 6-7-1).~~
 32 ~~(F) (E) Tobacco products tax (IC 6-7-2).~~
 33 ~~(G) (F) Alcoholic beverage tax (IC 7.1-4).~~
 34 ~~(H) (G) Petroleum severance tax (IC 6-8-1).~~
 35 ~~(I) (H) Any other tax the commissioner designates.~~
 36 (2) Upon the commissioner's request, conduct studies of the
 37 department's operations and recommend whatever changes seem
 38 advisable.
 39 (3) Annually audit a statistical sampling of the returns filed for
 40 the taxes administered by the division.
 41 (4) Annually audit a statistical sampling of registrants with the
 42 bureau of motor vehicles, international registration plan division.



1 (5) Review federal tax returns and other data that may be helpful
2 in performing the division's function.

3 (6) Furnish, at the commissioner's request, information that the
4 commissioner requires.

5 (7) Conduct audits requested by the commissioner or the
6 commissioner's designee.

7 (8) Administer the statutes providing for motor carrier regulation
8 (IC 8-2.1).

9 SECTION 4. IC 13-11-2-57 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 57. "Disposal", for
11 purposes of environmental management laws, means the:

12 (1) discharge;

13 (2) deposit;

14 (3) injection;

15 (4) spilling;

16 (5) leaking; or

17 (6) placing;

18 of any solid waste or hazardous waste into or on any land or water so
19 that the solid waste or hazardous waste, or any constituent of the waste,
20 may enter the environment, be emitted into the air, or be discharged
21 into any waters, including ground waters.

22 (b) "Disposal", for purposes of IC 13-29-1, means the isolation of
23 waste from the biosphere in a permanent facility designed for that
24 purpose.

25 (c) **"Disposal", for purposes of IC 13-22-12-3.5, means all forms
26 of disposal in or on the land, including underground injection.**

27 SECTION 5. IC 13-11-2-57.2 IS ADDED TO THE INDIANA
28 CODE AS A NEW SECTION TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2014]: Sec. 57.2. **"Disposal facility", for
30 purposes of IC 13-22-12-3.5, means a site where hazardous wastes
31 are disposed of in or on the land, including a site associated with,
32 within, or adjacent to facilities generating the waste.**

33 SECTION 6. IC 13-11-2-99 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 99. (a) "Hazardous
35 waste", for purposes of section 96(a) of this chapter, IC 13-19, and
36 environmental management laws, means a solid waste or combination
37 of solid wastes that, because of its quantity, concentration, or physical,
38 chemical, or infectious characteristics, may:

39 (1) cause or significantly contribute to an increase in:

40 (A) mortality;

41 (B) serious irreversible illness; or

42 (C) incapacitating reversible illness; or



- 1 (2) pose a substantial present or potential hazard to:
 2 (A) human health; or
 3 (B) the environment;
 4 when improperly treated, stored, transported, disposed of, or
 5 otherwise managed.
 6 (b) "Hazardous waste", for purposes of IC 13-22-10, includes a
 7 waste determined to be a hazardous waste under IC 13-22-2-3(b).
 8 (c) "Hazardous waste", for purposes of IC 13-22-11, has the
 9 meaning set forth in the federal Resource Conservation and Recovery
 10 Act (42 U.S.C. 6903(5)), as in effect January 1, 1989.
 11 (d) "Hazardous waste", for purposes of IC 13-22-12-3.5,
 12 includes any waste that:
 13 (1) meets the definition set forth in subsection (a);
 14 (2) is determined to be hazardous under the criteria developed
 15 under IC 13-22-2-3(a); or
 16 (3) is included on the list compiled and maintained by the
 17 board under IC 13-22-2-3(b).
 18 SECTION 7. IC 13-11-2-232.8 IS ADDED TO THE INDIANA
 19 CODE AS A NEW SECTION TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2014]: **Sec. 232.8. "Ton", for purposes of**
 21 **IC 13-22-12-3.5, means a short ton.**
 22 SECTION 8. IC 13-14-2-9 IS ADDED TO THE INDIANA CODE
 23 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 24 1, 2014]: **Sec. 9. (a) This section applies to a restrictive covenant**
 25 **created in connection with a remediation project conducted under:**
 26 (1) IC 13-23;
 27 (2) IC 13-24;
 28 (3) IC 13-25-4; or
 29 (4) IC 13-25-5.
 30 (b) If:
 31 (1) a change of conditions or an advancement in science or
 32 technology permits a modification of the conditions and
 33 restrictions imposed by a restrictive covenant; and
 34 (2) the modification of the conditions and restrictions imposed
 35 by the restrictive covenant would not increase the potential
 36 hazards to human health or the environment;
 37 the commissioner may, under subsection (c), authorize the filing in
 38 the office of the county recorder of a supplemental recording
 39 recognizing the modification of the conditions and restrictions of
 40 the restrictive covenant to reflect the change in conditions or
 41 advancement in science or technology.
 42 (c) The commissioner may authorize the filing of a supplemental



1 recording under subsection (b) if the owner of the real property
 2 that is subject to the restrictive covenant submits to the
 3 department:

- 4 (1) a written request for the modification of the covenant;
 5 (2) a copy of the proposed modification of the restrictive
 6 covenant; and
 7 (3) information indicating why the covenant should be
 8 modified.

9 The information submitted under subdivision (3) must be sufficient
 10 to enable the department to determine whether the proposed
 11 modification of the restrictive covenant will increase the potential
 12 hazards to human health or the environment. The commissioner
 13 may request additional information from the owner of the real
 14 property if necessary to the making of a determination under this
 15 subsection.

16 (d) The board shall adopt rules under IC 4-22-2 and IC 13-14-9
 17 providing for the recovery of administrative and personnel
 18 expenses incurred by the state in evaluating proposed
 19 modifications of restrictive covenants under this section.

20 SECTION 9. IC 13-20-22-1, AS AMENDED BY P.L.131-2006,
 21 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2014]: Sec. 1. (a) ~~Unless the legislative body of a county~~
 23 ~~having a consolidated city elects by ordinance to participate in the~~
 24 ~~rules, ordinances, and governmental structures enacted or created~~
 25 ~~under this chapter, the collection of fees on the disposal of solid waste~~
 26 ~~in a final disposal facility located in that county are exempt until~~
 27 ~~December 2, 2008; from regulation or control under this chapter.~~

28 ~~(b)~~ (a) A fee is imposed on the disposal or incineration of solid
 29 waste in a final disposal facility in Indiana. Except as provided in
 30 section 14 of this chapter, the amount of the fee is as follows:

- 31 (1) For solid waste generated in Indiana and delivered to a final
 32 disposal facility in a motor vehicle having a registered gross
 33 vehicle weight greater than nine thousand (9,000) pounds, fifty
 34 cents (\$0.50) a ton.
 35 (2) For solid waste generated outside Indiana and delivered to a
 36 final disposal facility in a motor vehicle having a registered gross
 37 vehicle weight greater than nine thousand (9,000) pounds:
 38 (A) fifty cents (\$0.50) a ton; and
 39 (B) if the ~~solid waste management~~ board has adopted rules
 40 under subsection (c), an additional amount imposed under the
 41 rules.
 42 (3) For solid waste generated in Indiana or outside Indiana and



1 delivered to a final disposal facility in:

2 (A) a motor vehicle having a registered gross vehicle weight
3 of not more than nine thousand (9,000) pounds; or

4 (B) a passenger motor vehicle (as defined in IC 9-13-2-123);
5 fifty cents (\$0.50) for each load delivered by the motor vehicle.

6 ~~(c)~~ **(b)** The ~~solid waste management~~ board may adopt rules to
7 establish and impose a fee on the disposal or incineration of solid waste
8 that is:

9 (1) generated outside Indiana; and

10 (2) disposed of or incinerated in a final disposal facility in
11 Indiana.

12 If rules are adopted under this subsection, the fee shall be set at an
13 amount necessary to offset the costs incurred by the state or a county,
14 municipality, or township that can be attributed to the importation of
15 the solid waste into Indiana and the presence of the solid waste in
16 Indiana.

17 ~~(d)~~ **(c)** Revenue from fees collected under subsection ~~(b)(1)~~ **(a)(1)**
18 and ~~(b)(2)(A)~~ **(a)(2)(A)** shall be deposited in the state solid waste
19 management fund established by section 2 of this chapter. Revenue
20 from fees collected under subsection ~~(b)(2)(B)~~ **(a)(2)(B)** shall be
21 deposited in the hazardous substances response trust fund established
22 by IC 13-25-4-1, except that any part of the revenue that the board
23 finds is necessary to offset costs incurred by counties, municipalities,
24 and townships shall be distributed to solid waste management districts
25 pro rata on the basis of the district's population.

26 ~~(e)~~ **(d)** If solid waste has been subject to a fee under this section, the
27 total amount of the fee paid shall be credited against any other fee to
28 which the solid waste may later be subject under this section.

29 ~~(f)~~ **(e)** A fee may not be imposed upon material used as alternate
30 daily cover pursuant to a permit issued by the department under 329
31 IAC 10-20-13.

32 SECTION 10. IC 13-20-22-4 IS REPEALED [EFFECTIVE JULY
33 1, 2014]. Sec. 4. An owner or operator of a final disposal facility
34 responsible for collecting the fees imposed under section 1 of this
35 chapter shall register with the department of state revenue. To register
36 with the department of state revenue, the owner or operator must do the
37 following:

38 (1) Pay a registration fee of twenty-five dollars (\$25).

39 (2) File a verified registration form containing the following:

40 (A) The registrant's name and address.

41 (B) The name and address of each final disposal facility owned
42 or operated by the registrant.



- 1 (C) Any additional information that the department of state
2 revenue reasonably requires:
- 3 SECTION 11. IC 13-20-22-5 IS REPEALED [EFFECTIVE JULY
4 1, 2014]. Sec. 5: (a) The department of state revenue may require a
5 registrant under section 4 of this chapter to file a surety bond:
6 (1) in an amount determined by the department of state revenue
7 of:
8 (A) not less than two thousand dollars (\$2,000); and
9 (B) not more than three (3) months tax liability for the
10 registrant as estimated by the department of state revenue; and
11 (2) conditioned upon:
12 (A) the keeping of records; and
13 (B) the making of full and complete reports and payments;
14 as required by this chapter.
15 (b) If the registrant files a bond, the bond must:
16 (1) be with a surety company or financial institution approved by
17 the department of state revenue; and
18 (2) name:
19 (A) the registrant as the principal; and
20 (B) the state as the obligee.
- 21 SECTION 12. IC 13-20-22-6 IS REPEALED [EFFECTIVE JULY
22 1, 2014]. Sec. 6: (a) The department of state revenue may require a
23 registrant under section 4 of this chapter to furnish a current financial
24 statement with the registration form:
25 (b) After registration, the department of state revenue may require
26 a registrant to periodically furnish a current financial statement. If the
27 registrant's financial condition warrants an increase in the surety bond,
28 the department of state revenue may require the registrant to furnish an
29 increased bond:
30 (c) The department of state revenue may require an audited financial
31 statement under this section.
- 32 SECTION 13. IC 13-20-22-7 IS REPEALED [EFFECTIVE JULY
33 1, 2014]. Sec. 7: The department of state revenue shall issue a
34 registration card to each registrant under section 4 of this chapter who
35 complies with this chapter. The registration card shall be prominently
36 displayed at each place in Indiana where the registrant is engaged in
37 business as an owner or operator of a final disposal facility.
- 38 SECTION 14. IC 13-20-22-8 IS REPEALED [EFFECTIVE JULY
39 1, 2014]. Sec. 8: (a) Sixty (60) days after making a written request for
40 release to the department of state revenue, the surety of a bond
41 furnished by a registrant under section 5 of this chapter is released from
42 any liability to the state accruing on the bond after the sixty (60) day



1 period: The release does not affect any liability accruing before the
2 expiration of the sixty (60) day period.

3 (b) The department of state revenue shall promptly notify the
4 registrant furnishing the bond that a release has been requested. The
5 registrant must:

6 (1) obtain a new bond that meets the requirements of section 5 of
7 this chapter; and

8 (2) file with the department of state revenue a new bond within
9 the sixty (60) day period.

10 (c) The department of state revenue shall cancel the registration for
11 failure to submit a new bond within the sixty (60) day period.

12 SECTION 15. IC 13-20-22-9 IS REPEALED [EFFECTIVE JULY
13 1, 2014]. Sec. 9: (a) The department of state revenue may, after a
14 hearing, cancel a registration issued to an owner or operator of a final
15 disposal facility if the owner or operator does any of the following:

16 (1) Files a false monthly report of the information required by this
17 chapter.

18 (2) Fails or refuses to file a monthly report required by this
19 chapter.

20 (3) Fails or refuses to pay the full amount of the fee imposed by
21 this chapter on or before the due date established by section 11 of
22 this chapter.

23 (4) Fails or refuses to comply with IC 6-8-1-5-4.

24 (5) Knowingly removes or alters a sign posted by the department
25 of state revenue under section 17 of this chapter.

26 (6) Fails or refuses to have on file a valid bond, as required by
27 section 5 or 8 of this chapter.

28 (7) Fails to honor a subpoena issued under IC 6-8-1-3-12.

29 (b) The department of state revenue shall notify the owner or
30 operator at least fifteen (15) days before the date set for the hearing of
31 the proposed cancellation. The notice must be sent by registered mail
32 to the last known address of the owner or operator. The owner or
33 operator may appear at the time and place given in the notice to show
34 cause why the registration should not be canceled.

35 SECTION 16. IC 13-20-22-10 IS REPEALED [EFFECTIVE JULY
36 1, 2014]. Sec. 10: A person registered under this chapter may make a
37 written request to the department of state revenue to cancel the person's
38 registration. The department of state revenue may cancel the
39 registration sixty (60) days from the date of the written request if before
40 cancellation the person has:

41 (1) paid all fees, penalties, and interest accruing under this
42 chapter or IC 13-9-5-5 (before its repeal); and



1 (2) surrendered to the department of state revenue the:

2 (A) registration certificate issued under this chapter or
3 IC 13-9.5-5 (before its repeal); and

4 (B) any additional copies of the registration.

5 SECTION 17. IC 13-20-22-11 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) The owner or
7 operator of a final disposal facility is responsible for collecting the fees
8 imposed under section 1 of this chapter from persons delivering solid
9 waste to that facility.

10 (b) Each owner or operator may:

11 (1) deduct from the fees an amount equal to one percent (1%) of
12 the fees collected; and

13 (2) retain this amount as compensation for collecting and
14 remitting the fees;

15 if the fees collected and the reports required under subsection (e) are
16 timely remitted and filed.

17 (c) If:

18 (1) the fees collected are remitted; or

19 (2) the required report is filed;

20 after the due date, the owner or operator shall remit all fees collected
21 to the department. ~~of state revenue.~~

22 (d) The owner or operator shall remit the remainder of the fees that
23 the owner or operator collects during a month to the department ~~of state~~
24 ~~revenue~~ not later than ten (10) days after the last day of the month in
25 which the fees are collected.

26 (e) The owner or operator of a final disposal facility shall file
27 monthly reports with the department concerning the fees collected
28 under this section. The department shall adopt a form for these reports.
29 An owner or operator shall use the form in reporting to the department.

30 SECTION 18. IC 13-20-22-12 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. Each month the
32 department ~~of state revenue~~ shall deposit the following:

33 (1) Not less than fifty percent (50%) of the revenue from the fee
34 imposed under section ~~1(b)(1)~~ **1(a)(1)** of this chapter into the
35 Indiana recycling promotion and assistance fund established in
36 IC 4-23-5.5-14.

37 (2) Not more than fifty percent (50%) of the revenue from the fee
38 imposed under section ~~1(b)(1)~~ **1(a)(1)** of this chapter into the
39 fund.

40 (3) The revenue from the fee imposed under section ~~1(b)(2)~~
41 **1(a)(2)** of this chapter into the hazardous substance response trust
42 fund established by IC 13-25-4-1.



1 SECTION 19. IC 13-20-22-17 IS REPEALED [EFFECTIVE JULY
2 1, 2014]. Sec. 17: (a) If any of the following conditions occur, the
3 department of state revenue may post a sign at a solid waste disposal
4 site that prohibits further transactions involving solid waste disposal at
5 the site:

6 (1) An owner or operator of a final disposal facility becomes
7 delinquent in payment of any amount due under this chapter.

8 (2) There is evidence that the revenue of an owner or operator of
9 a final disposal facility is in jeopardy.

10 (3) An owner or operator of a final disposal facility is operating
11 without the registration required by this chapter.

12 (4) An owner or operator of a final disposal facility is operating
13 without the bond required by this chapter.

14 (5) An owner or operator of a final disposal facility continues to
15 operate the final disposal facility after the registration of the
16 owner or operator has been canceled under this chapter.

17 (b) The department of state revenue may require that the sign posted
18 under this section must remain posted until the owner or operator of the
19 final disposal facility does all of the following:

20 (1) Files all reports and pays in full the fees and penalties imposed
21 by this chapter.

22 (2) Pays in full the interest and penalties imposed under
23 IC 6-8.1-10-1 and IC 6-8.1-10-2.1.

24 (3) Obtains the registration required by this chapter.

25 (4) Provides the bond required by this chapter.

26 SECTION 20. IC 13-20-22-19, AS AMENDED BY P.L.158-2013,
27 SECTION 189, IS AMENDED TO READ AS FOLLOWS
28 [EFFECTIVE JULY 1, 2014]: Sec. 19. A person who knowingly or
29 intentionally fails to pay the fee to the department of state revenue
30 under section 11 of this chapter commits a Level 6 felony.

31 SECTION 21. IC 13-20-22-20 IS REPEALED [EFFECTIVE JULY
32 1, 2014]. Sec. 20: (a) A person who, without authorization:

33 (1) removes;

34 (2) alters;

35 (3) defaces; or

36 (4) covers;

37 a sign posted by the department of state revenue under section 17 of
38 this chapter commits a Class B misdemeanor. However, the offense is
39 a Level 6 felony if the offense is committed with the intent to evade the
40 fee imposed by this chapter or to defraud the state.

41 (b) An owner or operator of a final disposal facility shall notify the
42 department of state revenue not later than two (2) days after



1 discovering that a sign posted by the department has been removed;
2 altered, defaced, or covered:

3 (c) An owner or operator of a final disposal facility who fails to
4 notify the department under subsection (b) commits a Class B
5 misdemeanor.

6 SECTION 22. IC 13-22-12-1 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. Notwithstanding the
8 fees established under IC 13-16-1, the hazardous waste:

- 9 (1) permit application fees;
10 (2) annual operation fees; and
11 (3) prices for purchasing manifests; and
12 (4) disposal fees;

13 contained provided for in this chapter are established.

14 SECTION 23. IC 13-22-12-3.5 IS ADDED TO THE INDIANA
15 CODE AS A NEW SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2014]: Sec. 3.5. (a) For the disposal of
17 hazardous waste in Indiana, the fees are as follows:

18 (1) For hazardous waste disposed of in a disposal facility,
19 eleven dollars and fifty cents (\$11.50) per ton. If hazardous
20 waste is mixed with or dissolved or suspended in water or
21 another liquid at the time it is disposed of in a disposal
22 facility, the entire mixture, solution, or suspension disposed of
23 is considered hazardous waste disposed of in a disposal facility
24 for the purposes of this subdivision.

25 (2) For hazardous waste disposed of by underground
26 injection, eleven dollars and fifty cents (\$11.50) per ton.
27 However, a person required to pay disposal fees under this
28 subdivision is not liable for more than twenty-five thousand
29 dollars (\$25,000) in disposal fees under this subdivision for all
30 hazardous waste disposed of by the person by underground
31 injection in one (1) calendar year.

32 (b) Fees imposed under subsection (a)(1) shall be paid by the
33 operator of the disposal facility at which the hazardous waste is
34 disposed of. For hazardous waste disposed of by underground
35 injection at a location other than a disposal facility, the fee imposed
36 on the disposal of the hazardous waste under subsection (a)(2) shall
37 be paid by the person disposing of the hazardous waste.

38 (c) Fees imposed under this section shall be paid quarterly to the
39 department in the manner prescribed by the department. However,
40 the department is not required to assess quarterly payments
41 separately. Fees under this section begin accruing on January 1 of
42 each year.



1 (d) The fees imposed under this section shall be based on the
2 total tonnage of hazardous waste disposed of. The fees do not apply
3 to the treatment or storage of hazardous waste in a disposal
4 facility.

5 (e) The fees collected under this section shall be deposited and
6 paid over as provided in section 3.6 of this chapter.

7 SECTION 24. IC 13-22-12-3.6 IS ADDED TO THE INDIANA
8 CODE AS A NEW SECTION TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2014]: **Sec. 3.6. (a) The fees collected under**
10 **section 3.5 of this chapter upon the disposal of a quantity of**
11 **hazardous waste shall be deposited and paid over as follows:**

12 (1) Seventy-five percent (75%) shall be deposited in the
13 hazardous substances response trust fund established by
14 IC 13-25-4-1.

15 (2) Twenty-five percent (25%) shall be paid over to the county
16 in which the hazardous waste is disposed of.

17 (b) Except as provided in subsection (e), and subject to
18 subsections (f) and (g), the revenue paid over to the county under
19 subsection (a)(2) shall be deposited in a separate fund established
20 by the county for the purposes of the following:

21 (1) Establishing monitoring wells on land near the site of the
22 disposal facility.

23 (2) Analyzing samples from the monitoring wells established
24 under subdivision (1).

25 (3) Conducting other types of testing and surveillance for
26 hazardous waste contamination of land near the disposal
27 facility.

28 (4) Providing training for county and local public health and
29 public safety officers in the proper procedures for dealing
30 with emergencies involving hazardous substances or
31 hazardous waste.

32 (5) Providing special clothing and equipment needed by
33 county and local public health and public safety officers for
34 dealing with emergencies involving hazardous substances or
35 hazardous waste.

36 (6) Funding research on alternatives to land disposal as a
37 means of eliminating hazardous waste.

38 (7) Paying the cost of hazardous waste, hazardous substance,
39 or solid waste removal and remedial action at a site located
40 within the county.

41 (8) Meeting the county's requirements under IC 13-21 for the
42 planning and implementation of a solid waste management



- 1 district plan.
- 2 (9) Paying the costs associated with the construction or
3 rehabilitation of a facility used for training described in
4 subdivision (4).
- 5 (10) Paying the costs associated with any other project that
6 has identifiable environmental benefits.
- 7 (11) Paying the costs associated with the construction,
8 structural rehabilitation, and equipment of a facility used for
9 either of the following purposes:
- 10 (A) A county public safety central dispatch.
- 11 (B) A county emergency operations center.
- 12 (12) Paying costs associated with the maintenance or repair of
13 county roads.
- 14 (13) Paying for the costs of county ambulance service.
- 15 (c) The county fund established under subsection (b) shall be
16 administered by the county treasurer, and the expenses of
17 administering the fund shall be paid from money in the fund.
18 Money in the fund not currently needed to meet the obligations of
19 the fund may be invested in the same manner as other public funds
20 may be invested. Interest that accrues from these investments shall
21 be deposited in the fund. Money in the fund at the end of a
22 particular fiscal year does not revert to the county general fund.
- 23 (d) No money in the county fund established under subsection
24 (b) shall be used for activities authorized in subsection (b)(8) or
25 (b)(9) until the purposes listed in subsection (b)(1) through (b)(7)
26 have been fulfilled.
- 27 (e) Subsection (b)(9), (b)(10), and (b)(11) do not apply to a
28 county having a population of more than three hundred thousand
29 (300,000) but less than four hundred thousand (400,000).
- 30 (f) The county may not pay from the county fund established
31 under subsection (b) in a calendar year for the purposes set forth
32 in subsection (b)(11) an amount that exceeds ten percent (10%) of
33 the balance in the fund as of January 1 of that calendar year.
- 34 (g) If a county expends money in the county fund established
35 under subsection (b) for the maintenance or repair of county roads,
36 the county may not annually expend more than ten percent (10%)
37 of the balance in the fund (as determined on January 1 of the
38 calendar year in which the expenditures are made) for those
39 purposes.
- 40 (h) A fund established by a county under IC 6-6-6.6-3 before its
41 repeal:
- 42 (1) satisfies the requirement of subsection (b) that a county



1 **establish a fund;**
 2 **(2) shall be administered under subsection (c); and**
 3 **(3) is in all other respects subject to this section.**
 4 **(i) Money deposited in a fund established by a county under**
 5 **IC 6-6-6.6-3 before its repeal:**
 6 **(1) may remain in the fund; and**
 7 **(2) may be used for the purposes set forth in subsection (b),**
 8 **subject to subsections (d) through (g);**
 9 **notwithstanding the repeal of IC 6-6-6.6-3.**
 10 SECTION 25. IC 13-22-12-13 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. **Except for the**
 12 **hazardous waste disposal fee collected under section 3.5 of this**
 13 **chapter**, the fees and delinquency charges collected under this chapter:
 14 (1) are payable to the department; and
 15 (2) shall be deposited in the environmental management permit
 16 operation fund established by IC 13-15-11-1.
 17 SECTION 26. IC 13-23-12-2 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. If the total amount
 19 of the fees owed under this article exceed five hundred dollars (\$500),
 20 the fee payer has the option of paying the annual fees in four (4) equal
 21 installment payments. The department of ~~state revenue~~ shall establish
 22 a payment schedule to implement this section.
 23 SECTION 27. IC 13-23-12-3 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. Except as provided
 25 by section 2 of this chapter, the fee required by section 1 of this chapter
 26 shall be paid annually in accordance with a payment schedule
 27 established by the department. ~~of state revenue~~. The fee payment form
 28 provided by the department of ~~state revenue~~ must accompany the fee
 29 payment.
 30 SECTION 28. IC 13-23-12-4 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. The department of ~~of~~
 32 ~~state revenue~~ shall collect **the** fees paid under this chapter and deposit
 33 the fees as follows:
 34 (1) Fees paid in connection with underground petroleum storage
 35 tanks shall be deposited ~~as follows~~:
 36 (A) ~~Forty-five dollars (\$45) shall be deposited in the excess~~
 37 ~~liability trust fund.~~
 38 (B) ~~Forty-five dollars (\$45) shall be deposited in the petroleum~~
 39 ~~trust fund.~~
 40 (2) Fees paid in connection with underground storage tanks used
 41 to contain regulated substances other than petroleum shall be
 42 deposited ~~as follows~~:



1 (A) Forty-five dollars (\$45) shall be deposited in the
2 hazardous substances response trust fund.

3 (B) Two hundred dollars (\$200) shall be deposited in the
4 excess liability trust fund.

5 SECTION 29. IC 13-23-12-5 IS REPEALED [EFFECTIVE JULY
6 1, 2014]. Sec. 5: (a) The department of state revenue shall provide each
7 person who pays a fee under this chapter with a receipt and a copy of
8 the receipt. The receipt or the copy of the receipt shall be maintained
9 at:

10 (1) the place of business where the underground storage tank is
11 located; or

12 (2) if no place of business exists where the tank is located; the
13 place of business or residence of the owner of the tank.

14 (b) The owner of the tank shall produce the receipt for inspection at
15 the request of any authorized representative of the department or the
16 state fire marshal.

17 SECTION 30. IC 13-23-12-6 IS REPEALED [EFFECTIVE JULY
18 1, 2014]. Sec. 6: At least thirty (30) days before payment of a fee is due
19 in accordance with the schedule established under section 3 of this
20 chapter, the department of state revenue shall attempt to notify each
21 owner of an underground storage tank who has submitted notification
22 to the department as required under 42 U.S.C. 6991a(a) of the
23 requirements of this chapter.

24 SECTION 31. IC 13-23-13-6 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) **Except as**
26 **provided in subsection (b)**, the commissioner, under rules adopted
27 under IC 13-23-1-2, may use money in the petroleum trust fund to pay
28 the following costs and expenses associated with underground
29 petroleum storage tanks:

30 (1) Costs incurred for corrective action conducted under
31 cooperative agreements entered into between the state and the
32 Administrator of the United States Environmental Protection
33 Agency under Section 9003(h)(7) of the federal Solid Waste
34 Disposal Act (42 U.S.C. 6991b(h)(7)), in accordance with the
35 provisions of the cooperative agreements.

36 (2) Expenses incurred by the state for the following:

37 (A) Corrective actions that are ordered or undertaken under
38 this chapter.

39 (B) Enforcement of this article.

40 (3) Expenses incurred by the state under section 8 of this chapter
41 in recovering the costs of corrective actions undertaken under
42 section 2 of this chapter.



- 1 (4) Administrative expenses and personnel expenses incurred by
 2 the state in carrying out this article.
- 3 **(b) Notwithstanding subsection (a), fifty percent (50%) of the**
 4 **fees deposited in the petroleum trust fund under IC 13-23-12-4(1)**
 5 **shall be used by the commissioner to pay for corrective actions:**
- 6 **(1) taken under this chapter that involve releases of regulated**
 7 **substances from underground storage tanks; and**
 8 **(2) that are not eligible to receive funds from the underground**
 9 **petroleum storage tank excess liability trust fund under**
 10 **IC 13-23-7.**
- 11 **Not more than eleven percent (11%) of the funds expended under**
 12 **this subsection may be used to pay for administrative and**
 13 **personnel expenses incurred in carrying out this subsection.**
- 14 SECTION 32. IC 13-25-4-1 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) The hazardous
 16 substances response trust fund is established. The purpose of the fund
 17 is to accumulate and maintain a source of money for the following
 18 purposes:
- 19 (1) Financing contracts or cooperative agreements between the
 20 state and the President of the United States under Section 104 of
 21 CERCLA (42 U.S.C. 9604).
- 22 (2) Providing state assistance in the form of supplies, materials,
 23 services, and equipment to:
- 24 (A) prevent the release of a hazardous substance or
 25 contaminant; or
 26 (B) control, contain, isolate, neutralize, remove, store, or
 27 dispose of any hazardous substance or contaminant already
 28 released into or on the air, land, or waters of Indiana.
- 29 (3) Financing response actions that are:
- 30 (A) undertaken or authorized by the commissioner with
 31 respect to sites in Indiana; and
 32 (B) considered by the commissioner to be necessary to protect
 33 the public health or welfare or the environment from the
 34 release or threatened release of a hazardous substance or
 35 contaminant.
- 36 (4) Paying expenses related to releases of regulated substances
 37 other than petroleum from underground storage tanks under
 38 IC 13-23-13-7.
- 39 (5) Paying administrative and personnel expenses incurred by the
 40 state in responding to releases or threats of releases of hazardous
 41 substances or contaminants.
- 42 (6) Paying claims for the reimbursement of necessary response



- 1 costs incurred by persons that have received preauthorization
 2 from the commissioner for reimbursement.
- 3 (7) Providing grants for household hazardous waste and
 4 conditionally exempt small quantity generator waste collection,
 5 recycling, or disposal projects under IC 13-20-20.
- 6 (8) Paying administrative and personnel expenses incurred by the
 7 department in implementing and administering household
 8 hazardous waste and conditionally exempt small quantity
 9 generator waste collection, recycling, or disposal projects under
 10 IC 13-20-20.
- 11 (9) Transferring funds to the environmental remediation revolving
 12 loan fund established by IC 13-19-5-2.
- 13 **(10) Paying administrative and personnel expenses incurred**
 14 **by the state in evaluating proposed modifications of restrictive**
 15 **covenants under IC 13-14-2-9.**
- 16 (b) Money in the fund at the end of a state fiscal year does not revert
 17 to the state general fund.
- 18 SECTION 33. IC 13-25-4-2, AS AMENDED BY P.L.38-2012,
 19 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2014]: Sec. 2. The sources of money for the fund are the
 21 following:
- 22 (1) ~~Revenue produced by the levy under IC 6-6-6.6.~~ **Fees paid**
 23 **under IC 13-22-12-3.5 for the disposal of hazardous waste.**
- 24 (2) Any payment to the state or the fund as:
- 25 (A) reimbursement for amounts expended by the state in a
 26 response action; ~~or~~
- 27 **(B) reimbursement of administrative and personnel**
 28 **expenses incurred by the state in evaluating proposed**
 29 **modifications of restrictive covenants under IC 13-14-2-9;**
 30 **or**
- 31 ~~(B)~~ **(C) a settlement or judgment stemming from a lawsuit by**
 32 **the state or federal government to recover amounts expended**
 33 **by the state in a response action, including recoveries under**
 34 **section 10 of this chapter.**
- 35 (3) Accrued interest and other investment earnings of the fund.
- 36 (4) Fees paid under IC 13-23-12-4(2) by owners and operators of
 37 underground storage tanks used to contain regulated substances
 38 other than petroleum.
- 39 (5) Appropriations made by the general assembly and gifts and
 40 donations from private and public entities intended for deposit in
 41 the fund.
- 42 (6) Grants and other payments made by the United States



1 government under:
2 (A) the federal Solid Waste Disposal Act (42 U.S.C. 6901 et
3 seq.) in relation to regulated substances other than petroleum;
4 or
5 (B) CERCLA.
6 (7) Money received from responsible parties under agreements
7 under section 23 of this chapter for response actions at specific
8 sites.
9 SECTION 34. IC 13-25-4-24 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 24. (a) This section
11 applies to real property that is:
12 (1) the site of an existing or former hazardous waste facility that
13 is or was subject to regulation under:
14 (A) IC 13-22-2 through IC 13-22-8 and IC 13-22-13 through
15 IC 13-22-14; or
16 (B) Subchapter III of the federal Solid Waste Disposal Act (42
17 U.S.C. 6921 through 6939e); or
18 (2) a site:
19 (A) on which a hazardous substance has been:
20 (i) deposited;
21 (ii) stored; or
22 (iii) disposed of; and
23 (B) that is or was listed on the Comprehensive Environmental
24 Response, Compensation, and Liability Information System
25 (CERCLIS) in accordance with Section 116 of CERCLA (42
26 U.S.C. 9616);
27 if more than an insignificantly small amount of a hazardous substance
28 remains on or beneath the surface of that property after the partial or
29 final closure of a hazardous waste facility located on the property or the
30 completion of a remedial action on the property under CERCLA or this
31 chapter.
32 (b) The owner of real property described in subsection (a) shall
33 execute and record, in the office of the county recorder of the county
34 in which the property is located, a restrictive covenant applying to the
35 property if the commissioner determines that a restrictive covenant
36 meeting the requirements set forth in subsection (c) is necessary to
37 protect the public health or welfare or the environment from
38 unreasonable risk of future exposure to a hazardous substance.
39 (c) A restrictive covenant required under this section must:
40 (1) to the extent feasible, describe:
41 (A) the identity, quantity, and location of every hazardous
42 substance:



1 (i) deposited;
 2 (ii) stored;
 3 (iii) disposed of; or
 4 (iv) placed;
 5 on the property; and
 6 (B) the extent to which each hazardous substance remains on
 7 the property; and
 8 (2) incorporate the conditions and restrictions that the
 9 commissioner considers necessary to assure that the future use of
 10 the property will not disturb the final cover, any liners, or any
 11 components of the hazardous substance containment system on
 12 the property, or disturb the function of the monitoring system on
 13 the property, unless the commissioner finds that the disturbance:
 14 (A) is necessary to the proposed use of the property and will
 15 not increase the potential hazards to human health or to the
 16 environment; or
 17 (B) is necessary to mitigate a threat to human health or to the
 18 environment.
 19 (d) If a change of conditions or advancements in science or
 20 technology permit an alteration in the conditions and restrictions
 21 imposed by A restrictive covenant required by this section that would
 22 not increase the potential hazards to human health or to the
 23 environment, the commissioner, upon written request by the owner of
 24 the real property, may authorize the filing of a supplemental recording
 25 recognizing a change in the restrictive covenant in the office of the
 26 county recorder to reflect the change in the conditions and restrictions.
 27 **is subject to modification under IC 13-14-2-9.**
 28 SECTION 35. IC 35-51-13-1, AS ADDED BY P.L.70-2011,
 29 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2014]: Sec. 1. The following statutes define crimes in IC 13:
 31 IC 13-18-8-9 (Concerning water pollution control).
 32 IC 13-18-13-31 (Concerning water pollution control).
 33 IC 13-18-21-31 (Concerning water pollution control).
 34 IC 13-19-5-17 (Concerning environmental remediation revolving
 35 loan program).
 36 IC 13-20-13-17 (Concerning solid waste management).
 37 IC 13-20-22-19 (Concerning solid waste management).
 38 ~~IC 13-20-22-20 (Concerning solid waste management).~~
 39 IC 13-20-22-21 (Concerning solid waste management).
 40 IC 13-23-7-9 (Concerning underground storage tanks).
 41 IC 13-23-9-6 (Concerning underground storage tanks).
 42 IC 13-25-4-28 (Concerning hazardous substances).



- 1 IC 13-29-1-14 (Concerning Midwest Interstate Compact on
- 2 Low-Level Radioactive Waste).
- 3 IC 13-30-10-1 (Concerning the environment).
- 4 IC 13-30-10-1.5 (Concerning the environment).
- 5 IC 13-30-10-5 (Concerning the environment).
- 6 IC 13-30-10-6 (Concerning the environment).



COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1342, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1342 as introduced.)

Committee Vote: Yeas 12, Nays 0

Representative Wolkins

HOUSE MOTION

Mr. Speaker: I move that House Bill 1342 be amended to read as follows:

Page 11, delete lines 11 through 39.

Re-number all SECTIONS consecutively.

(Reference is to HB 1342 as printed January 24, 2014.)

WOLKINS

HOUSE MOTION

Mr. Speaker: I move that House Bill 1342 be amended to read as follows:

Page 11, line 8, delete "in the" and insert "**and paid over as provided in section 3.6 of this chapter.**".

Page 11, delete lines 9 through 10, begin a new paragraph and insert:

"SECTION 23. IC 13-22-12-3.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 3.6. (a) The fees collected under section 3.5 of this chapter upon the disposal of a quantity of hazardous waste shall be deposited and paid over as follows:**

(1) Seventy-five percent (75%) shall be deposited in the hazardous substances response trust fund established by IC 13-25-4-1.

(2) Twenty-five percent (25%) shall be paid over to the county in which the hazardous waste is disposed of.

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(b) Except as provided in subsection (e), and subject to subsections (f) and (g), the revenue paid over to the county under subsection (a)(2) shall be deposited in a separate fund established by the county for the purposes of the following:

- (1) Establishing monitoring wells on land near the site of the disposal facility.
- (2) Analyzing samples from the monitoring wells established under subdivision (1).
- (3) Conducting other types of testing and surveillance for hazardous waste contamination of land near the disposal facility.
- (4) Providing training for county and local public health and public safety officers in the proper procedures for dealing with emergencies involving hazardous substances or hazardous waste.
- (5) Providing special clothing and equipment needed by county and local public health and public safety officers for dealing with emergencies involving hazardous substances or hazardous waste.
- (6) Funding research on alternatives to land disposal as a means of eliminating hazardous waste.
- (7) Paying the cost of hazardous waste, hazardous substance, or solid waste removal and remedial action at a site located within the county.
- (8) Meeting the county's requirements under IC 13-21 for the planning and implementation of a solid waste management district plan.
- (9) Paying the costs associated with the construction or rehabilitation of a facility used for training described in subdivision (4).
- (10) Paying the costs associated with any other project that has identifiable environmental benefits.
- (11) Paying the costs associated with the construction, structural rehabilitation, and equipment of a facility used for either of the following purposes:
 - (A) A county public safety central dispatch.
 - (B) A county emergency operations center.
- (12) Paying costs associated with the maintenance or repair of county roads.
- (13) Paying for the costs of county ambulance service.

(c) The county fund established under subsection (b) shall be administered by the county treasurer, and the expenses of



administering the fund shall be paid from money in the fund. Money in the fund not currently needed to meet the obligations of the fund may be invested in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund. Money in the fund at the end of a particular fiscal year does not revert to the county general fund.

(d) No money in the county fund established under subsection (b) shall be used for activities authorized in subsection (b)(8) or (b)(9) until the purposes listed in subsection (b)(1) through (b)(7) have been fulfilled.

(e) Subsection (b)(9), (b)(10), and (b)(11) do not apply to a county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).

(f) The county may not pay from the county fund established under subsection (b) in a calendar year for the purposes set forth in subsection (b)(11) an amount that exceeds ten percent (10%) of the balance in the fund as of January 1 of that calendar year.

(g) If a county expends money in the county fund established under subsection (b) for the maintenance or repair of county roads, the county may not annually expend more than ten percent (10%) of the balance in the fund (as determined on January 1 of the calendar year in which the expenditures are made) for those purposes.

(h) A fund established by a county under IC 6-6-6.6-3 before its repeal:

- (1) satisfies the requirement of subsection (b) that a county establish a fund;
- (2) shall be administered under subsection (c); and
- (3) is in all other respects subject to this section.

(i) Money deposited in a fund established by a county under IC 6-6-6.6-3 before its repeal:

- (1) may remain in the fund; and
 - (2) may be used for the purposes set forth in subsection (b), subject to subsections (d) through (g);
- notwithstanding the repeal of IC 6-6-6.6-3."

Renumber all SECTIONS consecutively.

(Reference is to HB 1342 as printed January 24, 2014.)

BAIRD



COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred House Bill No. 1342, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to HB 1342 as printed January 30, 2014.)

Committee Vote: Yeas 8, Nays 0

Senator Charbonneau, Chairperson

 SENATE MOTION

Madam President: I move that Engrossed House Bill 1342 be amended to read as follows:

Page 14, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 29. IC 13-23-13-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. **(a) Except as provided in subsection (b),** the commissioner, under rules adopted under IC 13-23-1-2, may use money in the petroleum trust fund to pay the following costs and expenses associated with underground petroleum storage tanks:

- (1) Costs incurred for corrective action conducted under cooperative agreements entered into between the state and the Administrator of the United States Environmental Protection Agency under Section 9003(h)(7) of the federal Solid Waste Disposal Act (42 U.S.C. 6991b(h)(7)), in accordance with the provisions of the cooperative agreements.
- (2) Expenses incurred by the state for the following:
 - (A) Corrective actions that are ordered or undertaken under this chapter.
 - (B) Enforcement of this article.
- (3) Expenses incurred by the state under section 8 of this chapter in recovering the costs of corrective actions undertaken under section 2 of this chapter.
- (4) Administrative expenses and personnel expenses incurred by the state in carrying out this article.

(b) Notwithstanding subsection (a), fifty percent (50%) of the fees deposited in the petroleum trust fund under IC 13-23-12-4(1) shall be used by the commissioner to pay for corrective actions:

- (1) taken under this chapter that involve releases of regulated**

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substances from underground storage tanks; and
(2) that are not eligible to receive funds from the underground petroleum storage tank excess liability trust fund under IC 13-23-7.

Not more than eleven percent (11%) of the funds expended under this subsection may be used to pay for administrative and personnel expenses incurred in carrying out this subsection."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1342 as printed February 19, 2014.)

BREAUX

SENATE MOTION

Madam President: I move that Engrossed House Bill 1342 be amended to read as follows:

Page 4, between lines 22 and 23, begin a new paragraph and insert:
"SECTION 8. IC 13-14-2-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 9. (a) This section applies to a restrictive covenant created in connection with a remediation project conducted under:**

- (1) IC 13-23;
- (2) IC 13-24;
- (3) IC 13-25-4; or
- (4) IC 13-25-5.

(b) If:

- (1) a change of conditions or an advancement in science or technology permits a modification of the conditions and restrictions imposed by a restrictive covenant; and
- (2) the modification of the conditions and restrictions imposed by the restrictive covenant would not increase the potential hazards to human health or the environment;

the commissioner may, under subsection (c), authorize the filing in the office of the county recorder of a supplemental recording recognizing the modification of the conditions and restrictions of the restrictive covenant to reflect the change in conditions or advancement in science or technology.

(c) The commissioner may authorize the filing of a supplemental recording under subsection (b) if the owner of the real property that is subject to the restrictive covenant submits to the department:

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- (1) a written request for the modification of the covenant;
- (2) a copy of the proposed modification of the restrictive covenant; and
- (3) information indicating why the covenant should be modified.

The information submitted under subdivision (3) must be sufficient to enable the department to determine whether the proposed modification of the restrictive covenant will increase the potential hazards to human health or the environment. The commissioner may request additional information from the owner of the real property if necessary to the making of a determination under this subsection.

(d) The board shall adopt rules under IC 4-22-2 and IC 13-14-9 providing for the recovery of administrative and personnel expenses incurred by the state in evaluating proposed modifications of restrictive covenants under this section."

Page 13, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 24. IC 13-22-12-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. **Except for the hazardous waste disposal fee collected under section 3.5 of this chapter**, the fees and delinquency charges collected under this chapter:

- (1) are payable to the department; and
- (2) shall be deposited in the environmental management permit operation fund established by IC 13-15-11-1."

Page 15, line 21, delete "required under section 24(e) of this chapter." and insert "**under IC 13-14-2-9**."

Page 15, line 35, delete "required under" and insert "**under IC 13-14-2-9; or**".

Page 15, delete line 36.

Page 16, delete lines 15 through 42, begin a new paragraph and insert:

"SECTION 31. IC 13-25-4-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 24. (a) This section applies to real property that is:

- (1) the site of an existing or former hazardous waste facility that is or was subject to regulation under:
 - (A) IC 13-22-2 through IC 13-22-8 and IC 13-22-13 through IC 13-22-14; or
 - (B) Subchapter III of the federal Solid Waste Disposal Act (42 U.S.C. 6921 through 6939e); or
- (2) a site:
 - (A) on which a hazardous substance has been:



- (i) deposited;
 - (ii) stored; or
 - (iii) disposed of; and
- (B) that is or was listed on the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) in accordance with Section 116 of CERCLA (42 U.S.C. 9616);

if more than an insignificantly small amount of a hazardous substance remains on or beneath the surface of that property after the partial or final closure of a hazardous waste facility located on the property or the completion of a remedial action on the property under CERCLA or this chapter.

(b) The owner of real property described in subsection (a) shall execute and record, in the office of the county recorder of the county in which the property is located, a restrictive covenant applying to the property if the commissioner determines that a restrictive covenant meeting the requirements set forth in subsection (c) is necessary to protect the public health or welfare or the environment from unreasonable risk of future exposure to a hazardous substance.

(c) A restrictive covenant required under this section must:

(1) to the extent feasible, describe:

(A) the identity, quantity, and location of every hazardous substance:

- (i) deposited;
- (ii) stored;
- (iii) disposed of; or
- (iv) placed;

on the property; and

(B) the extent to which each hazardous substance remains on the property; and

(2) incorporate the conditions and restrictions that the commissioner considers necessary to assure that the future use of the property will not disturb the final cover, any liners, or any components of the hazardous substance containment system on the property, or disturb the function of the monitoring system on the property, unless the commissioner finds that the disturbance:

(A) is necessary to the proposed use of the property and will not increase the potential hazards to human health or to the environment; or

(B) is necessary to mitigate a threat to human health or to the environment.

(d) If a change of conditions or advancements in science or



technology permit an alteration in the conditions and restrictions imposed by A restrictive covenant required by this section that would not increase the potential hazards to human health or to the environment; the commissioner, upon written request by the owner of the real property, may authorize the filing of a supplemental recording recognizing a change in the restrictive covenant in the office of the county recorder to reflect the change in the conditions and restrictions: **is subject to modification under IC 13-14-2-9."**

Delete page 17.

Page 18, delete lines 1 through 20.

Re-number all SECTIONS consecutively.

(Reference is to EHB 1342 as printed February 19, 2014.)

CHARBONNEAU

SENATE MOTION

Madam President: I move that Engrossed House Bill 1342 be amended to read as follows:

Page 1, line 3, delete "P.L.277-2013," and insert "SEA 24-2014, SECTION 30, IS".

Page 1, delete line 4.

Page 1, line 5, delete "IS CORRECTED AND".

(Reference is to EHB 1342 as printed February 19, 2014.)

CHARBONNEAU

